

SEPTEMBER 1, 2022



**REQUEST FOR PROPOSALS**  
**BONNEY LAKE CITY ATTORNEY LEGAL SERVICES**

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# Table of Contents

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<b>1. INTRODUCTION.....</b>	<b>1</b>
1.1 Purpose .....	1
1.2 Background .....	1
1.3 Desired Qualifications .....	1
1.4 Experience.....	2
1.5 Contract Period .....	2
1.6 Appointed Office.....	2
<b>2. SCOPE OF WORK.....</b>	<b>2</b>
2.1 General.....	2
<b>3. RFP INSTRUCTIONS AND EVALUATION.....</b>	<b>4</b>
3.1 RFP Submittal.....	4
3.2 Proposal Requirements.....	5
3.3 RFP Selection Process .....	6
3.4 Award of Contract:.....	7
3.5 Notices .....	7
<b>4. RFP CERTIFICATION.....</b>	<b>9</b>
<b>CERTIFICATION .....</b>	<b>10</b>

# 1. INTRODUCTION

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## 1.1 Purpose

The City of Bonney Lake is requesting Proposals from qualified professional law firm or individual to provide City Attorney – General Municipal Legal Services on a contractual basis with experience in legal advice, counsel, services, consultation, and opinions on the full scope of civil municipal legal assignments on behalf of the City as further discussed in the Scope of Work.

## 1.2 Background

The City of Bonney Lake incorporated in 1949. The City of Bonney Lake is a code city as described under Title 35A in the Revised Code of Washington. We have a seven-member Council and a part-time Mayor.

Over the past decade, the city has experienced tremendous growth, including increases in population, business, and development projects. Population from 2010 to 2021 increased from 16,690 to 22,540. Employment in the City limits from 2008 to 2019 increased from 4,307 to 6,002 positions. The City also welcomed a large commercial development, specifically Mountain Market Place. The City anticipates more growth in the future; it is anticipated that by 2035 the population will increase to almost 30,000 people. The Eastown development will add public roads by developing large and abundant vacant parcels of land into industrial, manufacturing, and outdoor storage. The Midtown development is also anticipated to bring further growth to the city by adding more professional employment opportunities and support small businesses.

The City has its own police department, municipal court, public services department, finance department, administrative services department, and prosecutor's office. The City has approximately 150 employees.

## 1.3 Desired Qualifications

Each attorney in the proposed team must possess a Juris Doctorate degree and have graduated from a law school accredited by the American Bar Association.

Each attorney in the proposed team must be a member in good standing of the Washington State Bar Association.

Extensive knowledge of federal, state, and municipal status, case law, regulations, and policies relevant to city government in areas of civil, land use, and administrative law; legal procedures; and courtroom procedures.

## 1.4 Experience

Minimum of five (5) years of experience within or with the municipal government in providing general municipal legal services is desirable.

Experience in all aspects of municipal law, including the following: zoning, environmental, land use permits, building code, personnel issues, public utilities, contract development and interpretation, real estate issues, interlocal agreements, public records act, open public meetings act, forfeiture/seizure hearings, and code enforcement/abatement.

## 1.5 Contract Period

It is anticipated that the period of contract will be one year, with annual renewal after the initial one year. The City retains the right to solicit other proposals for city attorney – legal services every year after the initial contract, or if the City’s needs for general legal services change substantially.

## 1.6 Appointed Office

The City Attorney is appointed by the Mayor with confirmation of the City Council. The City Attorney shall be the legal advisor to the mayor and council and of all of the officers, commissions and boards of the city in relation to matters pertaining to their operations in a governmental capacity.

# 2. SCOPE OF WORK

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## 2.1 General

The City Attorney provides legal advice, counsel, services, consultation, and opinions to the Mayor, City Council, City Administrator, and other City Management staff, on the full scope of civil municipal legal assignments, including but not limited to: all matters related to the Bonney Lake Municipal Code; state statutes and rules related to Code cities; ordinances and resolutions of the Council; land use planning; compliance with City, state and federal regulatory requirements; intergovernmental agreements; laws against discrimination; public private development partnerships; construction of public works and public services; utility regulations and operations; purchasing and procurement; leasing; purchase and sale of property; employment legal matters; public disclosure issues; Open Public Meetings Act requirements; Public Records Act requirements and responses; municipal risk and tort law. Support of the code enforcement and nuisance abatement function is also included in the City Attorney scope. The City Attorney’s advice includes methods to avoid civil litigation. The City will need a full array of City Attorney services, including general legal counsel for the Mayor, City Council, and staff, including but not limited to the following:

- Provide duties required of the City Attorney per Bonney Lake Municipal Code 2.04.200 City Attorney and 2.04.210 Parliamentarian.
- Attend meetings with Mayor, Administrator, and staff when requested.
- Available for phone consultations, in person meetings, teleconference, and site visits with the Mayor, Councilmembers, City Administrator, and staff. Promptly respond to emails and other requests for legal assistance within one business day with at a minimum an update as to project timeline length to response and legal opinion.
- Bring to the attention of the Mayor, City Council, City Administrator, or staff matters of relevance as a result of new legislation or recent court decisions.
- Maintain a liaison with special legal counsel for specialty legal advice, such as environmental, water, employment, labor, workplace investigations, complex real estate contracts, franchise agreements, development, etc.
- Attend all regular City Council meetings and workshops. The City Council regularly meets every second and fourth Tuesdays of each month with workshops held on the first and third Tuesdays of each month.
- Provide the Mayor and City Council with guidance as to The Standard Code of Parliamentary Procedure, 4th Edition (by Alice Sturgis) and related procedural and parliamentarian matters at City Council meetings and City Council workshops.
- Attend Council Committee Meetings as needed or requested. Finance Committee meets the second and fourth Tuesday of the month; Public Safety Committee meets the second Tuesday of the month; and Community Development Committee meets the first and third Tuesday of the month.
- Attend Department Head and Management Team meetings as needed or requested. Department Head meetings are the first Friday of the month. Management Team meetings are the second Thursday of the month.
- Attend special sessions/retreats of the City Council as needed or requested.
- Original preparation and review of ordinances, resolutions, motions, and contracts when requested.
- Litigation services – Represent the City in court as either a plaintiff or defendant. Represent the City in administrative proceedings. Represent the City in Extreme Risk Protection Order hearings as needed.
- Provide backup in court prosecution services in the rare event a prosecutor is unavailable for court due to unexpected outage, a prosecutor is scheduled in Superior Court, or there is a conflict preventing the prosecutor from appearing on a case. Criminal court is scheduled all day every Monday and Wednesday, most Tuesday mornings, and occasional Friday mornings.
- Review and/or draft contracts, in whole or in part, and activities incidental or related thereto, including, but not necessarily limited to personal services, equipment, interlocal agreements, labor agreements, professional services, purchasing, service or product contracts, and real estate leases and purchases. May assist in the negotiation of such contracts and/or agreements as requested.
- Code development including the integration of new legislative requirements, as well as crafting language to accurately reflect the intent of elected officials.
- Advise Code Enforcement on the interpretation and applicability of code provisions, the conduct of investigations, civil infraction preparation, nuisance abatement, and related matters.

- Advise on civil animal code related issues including update to Bonney Lake Municipal Code animal code provisions as needed.
- Right of way acquisition
- Utilities
- Labor law
- Public records
- Open Public Meetings Act
- Land use law and Growth Management Act compliance
- Provide legal trainings as needed or requested.
- Assist City officials and employees to understand the legal roles and duties of their respective offices and interrelationships with others.
- Assist City officials and employees to maintain awareness of ethical standards and appearance of fairness standards, and avoiding potential conflicts of interest, prohibited transactions, and the appearance of prohibited transactions.
- Maintain knowledge of issues facing the City and be prepared to offer timely legal opinions within established deadlines.
- Assist with the review and update of City policies.
- Provide the City Administrator, Mayor, and City Council, with a legal perspective and advice on various governmental issues.
- Perform other legal services and tasks, as assigned by the City Administrator or Designee.
- The City Attorney must be available by phone, cell phone, video conference, and e-mail.
- Timeliness of response from and accessibility to the City Attorney is a very important aspect of the service. Accessibility includes the ability to be generally available to attend meetings in person and the ability to be reached promptly by telephone or video conference.

### 3. RFP INSTRUCTIONS AND EVALUATION

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All respondents should submit a written proposal to include information about the respondent directly related to each of the Selection Criteria outlined below. All information should be submitted succinctly. By submitting a proposal, Respondents certify that all information provided in response to this RFP is true and accurate.

#### 3.1 RFP Submittal

Proposals shall be submitted via email to the City Clerk on or before **4:30 PM on - September 23, 2022**, addressed to:

City Clerk  
 City of Bonney Lake  
 9002 Main Street East, Suite 125  
 Bonney Lake, WA 98391  
 clerk@ci.bonney-lake.wa.us

The City Clerk will send an email confirming receipt. **If a confirming email is not received, please call (253) 447-4325** to confirm delivery. Questions concerning this request may be addressed to Michael McCullough, Mayor or John Vodopich, City Administrator.

## 3.2 Proposal Requirements

Firm/practice name, address, emails, phone and fax numbers.

### Qualifications

Description of firm/private attorney practice, including professional qualifications and experience of each attorney who would provide legal services, along with detailed resumes. This description will clearly identify the person to serve as primary city attorney and will differentiate this person from other supporting key personnel and their particular area(s) of expertise.

### Experience

- Disclosure of any pending litigation or judgments rendered against the law firm/private attorney in any matter relating to professional activities of the firm, including any pending complaints to the Washington State Bar Association.
- Describe experience in negotiating contracts with unions and police guilds, Human Resource, Employment law, and employee grievance, as well as employee and supervisor education and training.
- Describe experience and familiarity with issues unique to municipalities located in East Pierce County and specifically Bonney Lake.
- Describe experience and familiarity with negotiating contracts and interlocal agreements.
- Describe experience with conducting workplace investigations and providing workplace trainings to staff and management.
- Describe experience updating Council and staff as well as City Code to maintain compliance with new laws. Describe experience with tracking new laws as they are passed and processes for ensuring City compliance.
- Describe experience in working with reducing liability/exposure for municipalities.

### Method and Approach

Description of how your firm would propose to provide the required legal services. This should include an understanding of the City's service requirements, the firm's ongoing service commitment, exact timeline for responsiveness, office location, etc. Include information on availability and back-up city attorney services, if absent for illness, vacation, trials, etc..

#### Statement of Contract Compliance

A Statement of Contract Compliance: Upon execution of a Professional Services Agreement the person/firm selected will be required to provide proof of comprehensive insurance, general liability, or other financial security in a manner satisfactory to the City and sufficient to provide a minimum of \$2,000,000 per occurrence or claim in liability and lawyers' professional errors and omissions coverage. City of Bonney Lake must be named as an additional named insured on liability policy(s) and a certificate of insurance provided for lawyers' professional policy(s).

#### Fee Proposal

Propose the type and amount of fee you/your firm is seeking for compensation. Include areas or issues that would require special counsel and a list of items you will seek reimbursement costs. (Final agreement will be negotiated under a professional services agreement.).

#### Professional References

A list of at least three references regarding reputation and qualifications of the law firm/private attorney, addresses, phone numbers, and your relationship with them.

### 3.3 RFP Selection Process

Submittal Criteria: The Selection Committee, as determined by the Mayor, will review all proposals and may invite the most qualified individuals and firms to an interview. Proposals shall include a narrative clearly explaining how the individual or firm has proven competency in all the areas described in Section II, III, and IV of this RFP. Proposals should be prepared simply, providing a straightforward, concise description of the proposer's ability to satisfy the requirements of the contract. Special bindings, color displays, glossy finishes, and promotional materials are not desired. Submittals should be limited to 15 pages (total), not including resumes.

In reviewing and evaluating the submitted proposals and interviews, the Selection Committee will use the following criteria:

<b>Criteria</b>	<b>Points</b>
1. Qualifications and experience of key personnel with regard to all municipal government legal issues	25
2. Proposed fee structure. The City is open to a variety of approaches, including hourly rates or a flat, monthly with add-ons. The City will select the finalists by considering the proposed compensation as a “best and final offer”, although the City reserves the right to negotiate terms as needed to improve elements of the proposal to best meet the needs of the City, including costs.	25
3. Service commitment, responsiveness, and flexibility to meet City’s needs	25
4. Understanding and quality of proposed services	20
5. References. Names and references for which the firm has provided similar services	5
<b>TOTAL:</b>	<b>100</b>

### 3.4 Award of Contract:

The contract resulting from acceptance of a proposal by the City shall be in a form supplied or approved by the City, and shall at a minimum reflect the specifications in the RFP. The City shall not be responsible for any costs incurred by the firm in preparing, submitting, or presenting its response to the RFP.

### 3.5 Notices

#### Good Faith

This RFP has been compiled in good faith. The information contained within is selective and subject to revisions or amendments by the City.

#### Right to Cancel

The City reserves the right to change any aspect of, terminate, or delay this RFP, the RFP process and/or the program which is outlined within this RFP at any time, and notice shall be given in a timely manner thereafter.

#### Not an Award

Recipients of this RFP are advised that nothing stated herein, or any part thereof, or any communication during the evaluation and selection process, shall be construed as constituting, offering or awarding a contract, representation or agreement of any kind between the City and any other party.

### Property of the City

Responses to this RFP will become the property of the City, and will form the basis of negotiations of an agreement between the City and the apparent successful Respondent.

### City not Liable for Costs

The City is not liable and will not be responsible for any costs incurred by any Respondent(s) for the preparation and delivery of the RFP responses, nor will the City be liable for any costs incurred prior to the execution of an agreement, including but not limited to, presentations by RFP finalists to the City.

### City's Expectations

During the review of this document, please note the City's emphasis on the expectations, qualities, and requirements necessary to be positioned as an RFP finalist and successful Respondent.

### Proposal Interviews

Not all proposers may be interviewed. The proposers shall be responsible for the accuracy of the information supplied. The City reserves the right to reject any and all proposals, to issue one or more contract(s) for the intended scope of services, to waive minor irregularities, to issue additional RFPs, and to either substantially modify or abandon the selection process prior to any award of a contract. The City reserves the right to contact entities and individuals who have worked with or have knowledge of the proposers, regardless of whether those entities or individuals are listed as references.

### Right to Award

The City reserves the right to make an award without further discussion of the proposal submitted. Therefore, the proposal should be submitted initially with the most favorable terms the Respondent can offer.

### Withdrawal of Proposals

Respondents may withdraw a proposal that has been submitted at any time up to the proposal closing date and time. To accomplish this, a written request signed by an authorized representative of the Respondent must be submitted to the RFP Coordinator. The Respondent may submit another proposal at any time up to the proposal closing date and time.

### Proprietary Proposal Material

Any information contained in the proposal that is proprietary must be clearly designated. Marking the entire proposal as proprietary will be neither accepted nor honored. If a request is made to view a Respondent's proposal, the City will comply according to the Open Public Records Act, Chapter 42.17 RCW. If any information is marked as proprietary in the proposal, such information will not be made available until the affected Respondent has been given an opportunity to seek a court injunction against the requested disclosure.

### Termination

This Agreement may at any time be terminated by the City giving to the firm or individual thirty (30) days written notice of the City's intention to terminate the same. If the firm or individual's insurance coverage is canceled for any reason, the City shall have the right to terminate this Agreement immediately.

### Terms of Payment

The City's terms of payment are Net 30. Payment will be made within thirty (30) days upon receipt of an undisputed invoice for goods and/or services that have been delivered and accepted. No down payment or advance payment of any kind will be made. Washington State law requires proof that the materials have been furnished, the services rendered, or the labor performed as described before payment may be made.

### Schedule Of Proposal Process

The City will make every effort to follow this timetable; however, we reserve the right to modify the proposal process and dates as necessary.

Distribution of RFP	September 1, 2022
<b>Deadline for Submittal of Proposals</b>	<b>September 23, 2022, 4:30 PM</b>
Selection Committee determines finalists	September 26-29, 2022
Possible Finalist interviews	October 3-7, 2022
Firm or individual selected	October 10-14, 2022
Anticipated Target Start Date	November 1, 2022

## 4. RFP CERTIFICATION

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The City's RFP Certification is required to be read and signed by the Respondent and attached with the proposal. Certification is included on the next page.

## CERTIFICATION

I have read the Request for Proposal (RFP) for Legal Services and fully understand its intent. I understand that our ability to meet the criteria and provide the required services shall be reviewed by the City, which will develop a recommendation for City Council consideration regarding the selection of the firm that the City feels best matches the needs of the City. It is understood that all information included in, attached to, or required by this RFP shall become public record upon delivery to the City.

With my signature, I certify the following:

1. I am authorized to commit my firm to this Proposal and that the information herein is valid for 90 days from this date.
2. That all information presented herein is accurate and complete and that the services and equipment can be delivered as presented in this Proposal upon the City's request.
3. That I have had an opportunity to ask questions regarding this RFP and that those questions have been answered.
4. That I understand that any material omission of required forms or information may result in rejection of this Proposal as non-responsive.
5. That this Proposal is made without prior understanding, agreement, or connection with any corporation, firm, or person submitting an offer for this Proposal, and is in all respects fair and without collusion or fraud.
6. That the completion of the Proposal is a binding commitment to provide Legal Services as proposed therein.

Proposer Signature	Date
Name (Print)	Title
Address	Fax
Phone	
Email Address	